

MISSOURI DEPARTMENT OF NATURAL RESOURCES

In the Matter of:

**The Doe Run Resources Corporation
dba The Doe Run Company
Herculaneum Smelter
881 Main Street
Herculaneum, Missouri 63048**

Proceeding Under the Missouri Hazardous Waste Management Law Section 260.410 and 260.510, RSMo

The Missouri Air Conservation Law Section 643.090(2), RSMo

and

The Missouri Clean Water Law

Chapter 644.056, RSMo

ORDER TO ABATE AND CEASE AND DESIST VIOLATIONS

**TO: Registered Agent for The Doe Run Company
C.T Corporation System
120 S. Central Avenue
Clayton, Missouri 63105**

Violations of Hazardous Waste Management Law - Pursuant to Section 260.410, RSMo, you are hereby notified that on this date the Missouri Department of Natural Resources (hereinafter MDNR) is issuing this Order to Abate releases of hazardous substances and hazardous wastes under the Missouri Hazardous Waste Management Law, Sections 260.350 through 260.575, RSMo, and its implementing regulations as provided herein. The MDNR has issued this Order to prevent exposure of residents of the City of Herculaneum to hazardous substances transported by trucks under contract with the facility and hazardous waste released during transport.

Failure to comply with the Missouri Hazardous Waste Management Law and Regulations and this Order within the time specified herein will result in the MDNR

initiating judicial action for injunctive relief, assessment of penalties not to exceed ten thousand dollars (\$10,000.00) per day for each day or part thereof of each noncompliance, and any other applicable remedy available pursuant to Section 260.425, RSMo, or otherwise available by law. Compliance with this Order does not preclude the MDNR from pursuing penalties for the violations cited in this Order.

In addition to the authorities and remedies noted above, the MDNR may take actions necessary to cleanup a hazardous substance release if the person having control over the release fails to take reasonable actions required by the director pursuant to Section 260.510, RSMo. Further, pursuant to Section 260.530, RSMo, the person having control over the hazardous substance is strictly liable for cleanup costs incurred by the state and may be subject to punitive damages not to exceed triple the cleanup costs incurred by the state.

Violations of Air Conservation Law - Pursuant to Section 643.090(2), RSMo, of Missouri's Air Conservation Law you are hereby notified that on this date the MDNR director is issuing this Order to Cease and Desist Violations set forth in the Order. Such Orders are issued when the MDNR director determines that any person is discharging or causing to be discharged into the ambient air, any air contaminant that constitutes a clear and present danger to the public health or the environment.

Failure to comply with the Missouri Air Conservation Law and this Order may result in the initiation of civil action in any court of competent jurisdiction for injunctive relief to prevent any further violations or for the assessment of a penalty not to exceed \$10,000 for each violation per day for each day, or part thereof, the violation continues to occur, or both, as the court may deem proper.

Violations of Missouri Clean Water Law – Pursuant to Sections 644.051(1) and 644.076.1, RSMo of Missouri's Clean Water law you are hereby notified that Doe Run has placed or caused or permitted to be placed a water contaminant (the fugitive dust) in a location where it is reasonably certain to cause pollution of waters of the state. Litigation may occur without further administrative notice if there is not compliance with the requirements of this Order.